

REMARKS

Priority

Concurrently herewith is filed a request that the USPTO obtain a copy of the priority application from the EPO.

Claim Amendments and Rejections Under 35 USC § 112 and § 101

The “use” claims are rewritten to US style “method” claims.

The typing errors noted by the Office Action in the definitions of R³ and R⁴ are corrected. Support for the corrections can be found, for example, on page 1, lines 18-27 of the specification.

In claim 1, in the definition of Ar, the term OR’ appeared, which should have been OR⁵. Also, in claim 2, the term R’ appeared, which should have been R¹. See original claims and specification. These errors appeared to occur with the submission of the preliminary amendment.

Double Patenting

A terminal disclaimer is filed over co-pending applications US 10/551,905 and US 10/552,065 rendering these rejections moot.

Election/Restriction

Applicants thank the Examiner for rejoining certain claims.

Applicants however continue to disagree with the restriction of the elected compounds to merely the narrowly defined compounds of group III. Applicants submit that a special technical feature under the unity of invention requirements of PCT applications are met among the elected group and at least several other groups defined in the original restriction requirement. As evidence, applicants point out that no prior art rejection are made against the elected compounds.

Reconsideration of the restriction and examination of further groups is respectfully solicited.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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